

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YAKOV VOLOVNIK,

Plaintiff,

USDC SDNY
DOCUMENT
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09 Civ. 10595

(DAB) (JLC)

ADOPTION OF REPORT
AND RECOMMENDATION

-against-

BENZEL-BUSCH MOTOR CAR CORPORATION,
GOVERNMENT EMPLOYEES INSURANCE
COMPANY, JP MORGAN CHASE & CO.,

Defendants.

-----x
DEBORAH A. BATTES, United States District Judge.

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge James L. Cott, which was filed July 29, 2010. Plaintiff's claims in this case arise from a \$4,000 charge incurred in May 2009 on his JP Morgan Chase & Co. ("Chase") credit card. The Report recommends that Plaintiff's Motion for Leave to File an Amended Complaint be GRANTED. The Report additionally recommends that Defendant Chase's Motion to Dismiss be DENIED with respect to Plaintiff's Truth in Lending Act ("TILA") claims, GRANTED with respect to Plaintiff's Federal Credit Reporting Act ("FRCA") claims and DENIED to the extent Defendant Chase argues that the Court lacks subject matter jurisdiction.

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R.

Civ. P. Rule 72(b) (2) (stating that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised accordingly in Judge Cott's Report and Recommendation, to date, no objections to the Report have been filed.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, Docket Entry No. 15, of United States Magistrate Judge James L. Cott, dated July 29, 2010, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Plaintiff's Motion for Leave to File an Amended Complaint is GRANTED;

3. Defendants' Motion to Dismiss is GRANTED in part, and DENIED in part;

4. Defendant shall Answer within 30 days of the date of this Order.

SO ORDERED.

DATED: New York, New York
September 15, 2010



Deborah A. Batts
United States District